

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERTO MIRANDA LAVEZZARI,

Plaintiff,

- against -

ORDER

10-CV-2365 (NGG)(ALC)

MICHAEL ZENK, Former Warden of Moshannon
Valley Correctional Center; JAMES E.
BURRELL, Administrator, Privatization
Management Branch (F.B.O.P.); MR. BEAR, Unit
Manager of 63 and 61 at Metropolitan Detention
Center; MS. SMOLLEY, Case Manager of 63 and
61 at Metropolitan Detention Center,

Defendants.

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CARTER, United States Magistrate Judge:

Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is hereby granted. The United States Marshals Service is directed to serve the summonses and complaint upon the defendants without prepayment of fees. Enclosed is a copy of the "Individual Practice Rules of Magistrate Judge Andrew L. Carter, Jr." Both plaintiff and defendants are required to follow them, with one exception: *pro se* parties are automatically exempt from mandatory electronic filing. Parties represented by counsel in *pro se* cases must file all submissions electronically and mail the submission to the *pro se* litigant.

Consent to trial and decision on this case by a United States Magistrate Judge

The parties shall advise the Court by signing the enclosed form whether they jointly consent to trial and decision on this case by me, a United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c). Consent of the parties means that I may conduct all proceedings including trial of this matter and the entry of judgment in this case. The parties are free to withhold consent without adverse consequences.

If the parties consent, my decision will be entered as the decision of the Court and an aggrieved party may appeal directly to the United States Court of Appeals to the same extent and subject to the same conditions as if the decision had been rendered by a District Judge. If the parties do not consent to decision by a Magistrate Judge and a dispositive motion is referred, my decision shall be reported as a recommendation to the assigned District Judge.

Any party who disagrees with a Magistrate Judge's report and recommendation must file written objections within ten days to preserve the right to appeal. Upon receipt of written objections from a party within ten days, the assigned District Judge shall review the proposed recommendations to which the objection is made. The District Judge may accept, reject, or modify,

in whole or in part, the findings or recommendations made by the Magistrate Judge. If a Magistrate Judge's report and recommendation is accepted by the assigned District Judge, the decision shall be entered and an appeal shall lie to the United States Court of Appeals.

This information regarding the availability of a Magistrate Judge to hear the entire case on consent of the parties is not meant to, in any way, interfere with the parties' absolute right to decision by a United States District Judge. This is an option available to the parties which may expedite adjudication of this case and preserve scarce judicial resources.

SO ORDERED.

Dated: June 8, 2010
Brooklyn, New York

/s/

ANDREW L. CARTER, JR.
United States Magistrate Judge